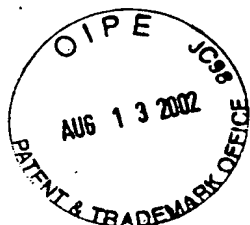9200/2899

Patent
Attorney's Docket No. <u>011683-012</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	) **BOX FEE AMENDMENT**
	)
Robert L. HESS	) Group Art Unit: 3736
	)
Application No.: 08/850,073	) Examiner: J. Lacyk
(Reissue of U.S. Patent No. 5,411,466.)	)
	) Confirmation No.:
Filed: May 2, 1997	)
	)
For: APPARATUS FOR RESTENOSIS	)
TREATMENT	)

RECEIVED
AUG 2 0 2002
TECHNOLOGY CENTER R3700

AMENDMENT/REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a **reply in response to the Notice of Non-compliant Amendment dated July 17, 2002, for which the amendment fee was previously paid on June 24, 2002,** for the above-identified patent application.

[ ]   A Petition for Extension of Time is also enclosed.

[ ]   A Terminal Disclaimer and a check for [ ] $55.00 (248) [ ] $110.00 (148) to cover the requisite Government fee are also enclosed.

[ ]   Also enclosed is _____ .

[X]   Small entity status is hereby claimed.

[ ]   Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the [ ] $370.00 (279) [ ] $740.00 (179) fee due under 37 C.F.R. § 1.17(e).

   [ ] Applicant(s) previously submitted ___, on ___, for which continued examination is requested.

[ ]   Applicant(s) request suspension of action by the Office until at least _, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

[ ]   A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.

[ ]   No additional claim fee is required.

(05/02)

[ ]   An additional claim fee is required, and is calculated as shown below:

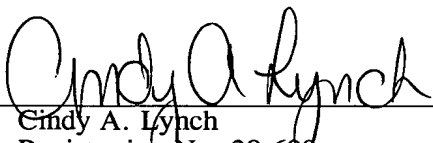| AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims		MINUS =		× $18.00 (103) =	
Independent Claims		MINUS =		× $84.00 (102) =	
If Amendment adds multiple dependent claims, add $280.00 (104)					
Total Amendment Fee					
If small entity status is claimed, subtract 50% of Total Amendment Fee					
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					

[ ] A claim fee in the amount of $_____ is enclosed.

[ ] Charge $_____ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R.

§§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment,

to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:_____
Cindy A. Lynch
Registration No. 38,699

P.O. Box 1404
Alexandria, Virginia 22313-1404
(650) 622-2300

Date: August 9, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/850,073	05/02/1997	ROBERT L. HESS	016565-049	4543

011683-012

7590   07/17/2002

JAMES W. PETERSON, ESQ.
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

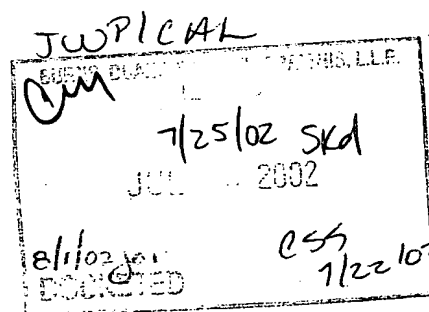| EXAMINER |
|---|
| LACYK, JOHN P |

ART UNIT	PAPER NUMBER
3736	23

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

OIPE
AUG 1 3 2002
PATENT & TRADEMARK OFFICE
JC98

URGENT

RECEIVED
AUG 2 0 2002
TECHNOLOGY CENTER R3700

Hess, Robert L

JWPICAL

7/25/02 Skd

JUL   2002

8/1/02
DOCKETED

CSH
7/22/02

Response due 8/17/02

PTO-90C (Rev. 07-01)

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON. D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER NUMBER
	23

DATE MAILED:

OIPE stamp: AUG 1 3 2002 — PATENT & TRADEMARK OFFICE — JC98

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on _7-1-02_ is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see *65 Fed. Reg. 54603*, Sept. 8, 2000, and *1238 O.G. 77*, Sept. 19, 2000).

☐ 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s).
37 CFR 1.121(b)(1)(ii).

☐ 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s).
37 CFR 1.121(b)(1)(iii)

☑ 3. The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i)

☐ 4. The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii)

☐ 5. Other_____.

**RECEIVED
AUG 2 0 2002
TECHNOLOGY CENTER R3700**

☐ **PRELIMINARY AMENDMENT:** Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

☑ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

Brenda Webb
Legal Instruments Examiner